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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/242,072	01/14/2000	Peter Anthony Miller		9520

7590

03/13/2002

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EXAMINER

CINTINS, IVARS C

ART UNIT

PAPER NUMBER

1724

25

DATE MAILED: 03/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-25

Office Action SummaryApplication No.
09/242,072Applicant(s)
MillerExaminer
Ivars CintinsArt Unit
1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 20, 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12, and 14-17 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 12, 15, and 16 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 14, and 17 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on Apr 9, 2001 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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The amendment filed November 20, 2001 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

(1) that "relatively small concentrations of specific organic and inorganic contaminants in solution and in a colloidal state" are removed by adsorbents (page 1, lines 36-37, of the specification);

(2) that prior art sand filters "inherently lacks the flexibility and versatility to handle today's demanding liquid purification requirements in the liquid processing industries" (page 1, lines 39-41, of the specification);

(3) that the aim of the invention is for "total media regeneration" (page 2, line 22, of the specification);

(4) that filtrate is recycled by a pressure pump (page 3, line 8, of the specification);

(5) that "diffusion enhancing processes" are employed (page 3, line 21, of the specification);

(6) that the controllers "provide the data input to the microprocessor for computing the filtration characteristics of the suspension determining instantaneous volumetric flow of gas

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in the top container" (page 4, last three lines, of the specification) and;

(7) that a timer shuts valve 407 during the drying operation (page 5, line 39, of the specification).

Applicant is required to cancel the new matter in the reply to this Office action.

The proposed drawing corrections filed on April 9, 2001 have been approved.

Claims 8, 9, 14 and 17 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must refer to other claims in the alternative only (claim 17), and may not serve as a basis for any other multiple dependent claim (claims 8, 9 and 14). Accordingly, these claims have not been further treated on the merits.

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one

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skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The limitation that a "pressure pump" is located in the system (claim 1, 5 and 7, line 18) does not appear to be supported by the disclosure originally filed, and hence constitutes **new matter**, since this original disclosure only taught suction/vacuum pump 28 in the system.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 12, 15 and 16 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. The claims contain numerous vague and indefinite expressions. For example, the term "the stationary, sealed position" (claims 1, 5 and 7, line 2) lacks antecedent basis in the claims, and is therefore indefinite. Also, the term "whereby means are provided" (claims 2-4, lines 1-2) is vague, and indefinite as to the limitation intended. The term "the pervious horizontal base" (claim 5, line 44) lacks antecedent basis in the claim, and is therefore indefinite. Claims 12, 15 and 16 depend from a canceled claim (i.e. claim 10), and are therefore

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indefinite. Furthermore, the terms "are used as" (claim 12, lines 1-2), "appropriate" (claim 12, line 3), "Apparatus and method" (claims 15 and 16, line 1), "according to the defining preamble" (claim 15, line 1), "are employed" (claim 15, line 5), "known quality" (claim 15, line 7), "such as" (claim 16, line 3), and "choose and implement the supply of the optimal filter medium" (claim 16, lines 4-5) are vague, and indefinite as to the limitations intended. Claim 6 depends from an indefinite claim (i.e. 2 or 3), and is therefore itself indefinite.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to I. Cintins whose telephone number is (703) 308-3840. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

The fax phone numbers for this art unit are: (703) 872-9311 for "Official" faxes after Final Rejection; (703) 872-9310 for all other "Official" faxes; and (703) 872-9492 for "Draft" and other "Unofficial" faxes.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

I. Cintins
March 10, 2002


Ivars C. Cintins
Primary Examiner
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